

JAN 18 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR MANUEL LUGO BUENO, aka
Victor Lugo-Bueno,

Defendant - Appellant.

No. 06-30273

D.C. No. CR-04-00045-WFN

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, Senior District Judge, Presiding

Submitted January 14, 2008 **

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Victor Manuel Lugo Bueno appeals from the 70-month sentence imposed following his guilty-plea conviction for being an alien in the United States after

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Lugo Bueno contends that the district court did not adequately explain the reasons for the sentence. We disagree. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007).

We also conclude that the sentence was not unreasonable in light of the factors contained in 18 U.S.C. § 3553(a). *See United States v. Booker*, 543 U.S. 220, 260-61 (2005) (holding that court of appeals reviews sentences for reasonableness in light of § 3553(a) factors); *see also Gall v. United States*, 128 S. Ct. 586, 594 (2007) (explaining that court of appeals is reviewing for abuse of discretion when determining whether a sentence is reasonable).

AFFIRMED.